

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

IN RE:)
)
RONALD W MCELHANEY,) CHAPTER 13
Debtor.)
)
MARTHA A. MILLER,) CASE NO. 17-40839-EJC
Trustee.)
)

**CONDITIONAL OBJECTION OF WELLS FARGO BANK, N.A. TO TRUSTEE'S
EXPEDITED MOTION FOR LEAVE TO SELL REAL PROPERTY FREE AND CLEAR
OF LIENS (DOC. ENT # 75)**

Comes now WELLS FARGO BANK, N.A. ("WELLS FARGO"), holder of a first position security interest in real property commonly known as 526 E. 46th St, Savannah, GA 31405, and files this Conditional Objection to Trustee's Expedited Motion for Leave to Sell Property Free and Clear of Liens, Claims and Encumbrances showing the Court as follows:

FIRST DEFENSE

WELLS FARGO does not oppose the sale of the Property provided

- i. WELLS FARGO is paid the full debt owed to WELLS FARGO and secured by the Property
- ii. An updated payoff is requested from WELLS FARGO immediately prior to the closing and WELLS FARGO is paid the full amount owed consistent with such payoff within 48 hours of the closing and
- iii. The Trustee files a written report of sale within 48 hours of closing.

GENERAL DENIAL

Any allegations of the Trustee's Motion not addressed in this conditional objection are denied.

WHEREFORE, WELLS FARGO prays that

- i. Any Order approving and authorizing the sale of the Property provide that WELLS FARGO is to be paid the full debt owed to WELLS FARGO and secured by the property from the sales proceeds, that such payment be made pursuant to an updated payoff requested immediately prior to the closing, that payment be remitted to WELLS FARGO within 48 hours of closing.
- ii. The sale motion be denied as to WELLS FARGO unless the above conditions are satisfied
- iii. This Court grant such other relief as is just and proper.

This 5th day of June 2018.

Barrett Daffin Frappier Turner & Engel, LLP

By: /s/Brandi R. Lesesne
Brandi R. Lesesne
Georgia Bar No.: 141970
Attorneys For Wells Fargo Bank, N.A.

4004 Belt Line Road, Suite 100
Addison, TX 75001
(972) 341-0560

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the CONDITIONAL OBJECTION OF WELLS FARGO BANK, N.A. TO TRUSTEE'S MOTION TO SELL via electronic means as listed on the Court's ECF noticing system or by regular first class mail by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to insure delivery upon the following:

Debtor:
Ronald W McElhaney
526 E. 46th Street
Savannah, GA 31405

Debtor's Attorney:
Jeremiah B Gastin
Gastin & Hill
P O Box 8012
Savannah, GA 31412

Trustee:
Tiffany E. Caron, Trustee
P.O. Box 9056
Savannah, GA 31412

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

By: /s/Brandi R. Lesesne
Brandi R. Lesesne
Ga. Bar No. 141970